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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,562	05/21/2000	Xavier S. Haurie	A0312/7400/MXS	1261

7590                    03/12/2003

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EXAMINER
PHAN, TRONG Q

ART UNIT	PAPER NUMBER
2818	

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. <b>09/575,562</b>	Applicant(s) <b>FERGUSON ET AL.</b>
	Examiner <b>TRONG PHAN</b>	Art Unit <b>2818</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Feb 20, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**THE PERIOD FOR REPLY [check only a) or b)]**

- a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see NOTE below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached explanation.

3.  Applicant's reply has overcome the following rejection(s):
   
\_\_\_\_\_  
\_\_\_\_\_
4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a)  affidavit, b)  exhibit, or c)  request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   
see attached explanation.
  
\_\_\_\_\_
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a)  will not be entered or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-65

Claim(s) withdrawn from consideration: \_\_\_\_\_

8.  The proposed drawing correction filed on Feb 20, 2003 is a)  approved or b)  disapproved by the Examiner.

9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

10.  Other:

*PRAWINDY  
TRONG PHAN  
PRIMARY EXAMINER*

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### **ADVISORY ACTION**

Applicant's response to the FINAL office action filed on 2/20/03 has been totally considered but it is NOT persuasive to place the case in condition for allowance because of the following reasons:

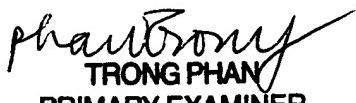
- A) The new waveform diagram for P1 + P2 signal in Fig. 6 raises new issue that would require further consideration and/or search. For instance, it is not understood the ON/OFF operation of the switch S13 in Fig. 5 with respect to P1 signal and with respect to the time since it is now shown to have two pulses;
- B) During the telephone interview of 1/13/03, only the charge sharing feature was in discussion but no agreement was reached between Applicant and the examiner;
- C) Da Franca et al., 5,008,674, does disclose the teaching that the total charge on all capacitors CPI during clock phase  $\emptyset_0$  in Fig. 3 Prior Art is transferred to the capacitor CF (see lines 23-29, column 3). Therefore, this teaching is inherently the charge sharing feature which Applicant is trying to claim.
- D) Accordingly, the FINAL rejection of claims 1-65 set forth in the FINAL rejection of 9/13/02, paper # 13, is totally proper and is sustained.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRONG PHAN whose telephone number is (703) 308-4870 and email address is [trong.phan@uspto.gov](mailto:trong.phan@uspto.gov)

  
TRONG PHAN  
PRIMARY EXAMINER

March 7, 2003